



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEWPORT POLICE BENEVOLENT ASSOCIATION :

and :

TOWN OF NEWPORT, NEW HAMPSHIRE :

Joint Petitioners :

CASE NO. P-0727:2

DECISION NO. 83-43

APPEARANCES

Representing the Newport Police Association:

Peter Hoe Burling, Esquire

Representing the town of Newport:

Paul J. Skowron, Town Manager

BACKGROUND

On June 3, 1983, the town of Newport (Town) and the Newport Police Benevolent Association (Association) petitioned the Public Employee Labor Relations Board (Board) for a declaratory ruling on whether or not a signed agreement is binding on the parties when the legislative body did not appropriate the money at the town meeting, although the agreement itself was not specifically voted on by the Town.

A hearing on the joint petition was held in the Board's office on August 11, 1983 and testimony was presented by both parties.

FINDINGS OF FACT

-- The Association and the Town, after substantial negotiations, reached an agreement on December 6, 1982 on a one-year agreement effective as of April 1, 1983 to be renewed automatically from year to year thereafter unless terminated by either party, in writing, no later than 90 days prior to April 1, 1984.

-- The contract, however, contained a new section which stated:

"Article XII, Section II:

However, if the vote of a town meeting rejects or modifies cost items, either party may reopen negotiations on all or part of the entire contract."

-- Among many of the items agreed between the parties were increased

Blue Cross/Blue Shield benefits, increased life insurance, vacation days, increased work force, reduced work week in addition to pay increases of two (2) percent for patrolmen and five (5) percent for dispatchers beginning April 1, 1983.

-- The Town at its meeting, March 2, 1983, acted on a lump sum budget request of \$2,467,343 and after several amendments, passed a budget of \$2,328,420.

-- Due to the reduction in the total town budget, the Town Manager informed the Association that the Selectmen wished to renegotiate Section 3, Patrolmen's Pay Scale and Section 4, Dispatchers' Pay Scale, Article XI, of the agreement effective April 1, 1983.

-- Because of the reduction in the total budget, the town agents (selectmen and manager) determined to unilaterally freeze wages to meet the reduced total appropriation. This decision was made by the same agents who had agreed to the raises during negotiations in December, 1982.

-- The action taken at the town meeting did not specifically address any aspect of the Town/Association agreement except to appropriate funds for additional staffing. Other than that one specific item, all action on the budget was lump sum and not line item.

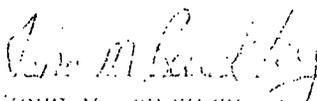
BOARD DECISION AND ORDER

After careful review of the material submitted and testimony presented at the hearing, the Board finds and rules, as follows:

1. the town meeting did not implement a wage freeze;
2. the town meeting did not take any action which resulted in modification of the terms of the cost item/s/ submitted to it;
3. the wage increases were negotiated in good faith under the provisions of RSA 273-A;

therefore, it is ORDERED that

The employees within the Newport Police Benevolent Association bargaining unit are entitled and should be paid in accordance with Article XI, Sections 3 and 4 of the negotiated agreement effective April 1, 1983.


JOHN M. BUCKLEY, Acting Chairman
PUBLIC EMPLOYER LABOR RELATIONS BOARD

Signed this 15th day of September, 1983.

By unanimous vote. Alternate Chairman, John M. Buckley presiding; members Seymour Osman and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.